

REMARKS

This Amendment is being filed in response to the Office Action mailed on December 9, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3, 6 and 8-10 remain in this application, where claims 5 and 7 had been previously canceled without prejudice, claims 2 and 4 have been currently canceled without prejudice, and claims 9-10 have been currently added. Claims 1 and 3 are independent.

In the Office Action, claims 1, 3, 6 and 8 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,151,286 (Inoue) in view of U.S. Patent Application Publication No. 2002/0021629 (Hitotsui) and U.S. Patent Application Publication No. 2002/0015370 (Yoshida). Further, claims 2 and 4 are rejected under 35 U.S.C. §103(a) over Inoue in view of Hitotsui and U.S. Patent No. 6,198,708 (Suzuki). Applicants respectfully traverse and submit that claims 1, 3, 6 and 8-10, as amended, are patentable over Inoue, Hitotsui, Yoshida and Suzuki for at least the following reasons.

On page 3, first paragraph of the Office Action, it is correctly noted that Inoue does not disclose or suggest "wherein in response to the update command, only update of the recorded area indicator is performed and a track or a session of the write once recording medium is not closed, the track or the session remaining open for future recordings in the track or the session," as recited in independent claims 1 and 3. Paragraphs [0326]-[0327] of Hitotsui and paragraphs [0082] and [0064] of Yoshida are cited in an attempt to remedy the deficiencies in Inoue.

Hitotsui is directed to directed to a recording/playback apparatus and an editing method for carrying processing such as concatenation, division, batch deletion and a move operation on a specified group recorded on a disc used for recording groups each consisting of a plurality of programs. Hitotsui is completely silent about doing such editing on a write once recording medium, as recited in independent claims 1 and 3. Even assuming, arguendo, that Hitotsui is applicable to a write once recording medium, Paragraphs [0326]-[0327] of Hitotsui merely describe updating table of content in response to "an editing command has been issued by the user." (Hitotsui, paragraph [0326], lines 5-6; emphasis added) Such a disclosure has nothing to do with only updating a recorded

area indicator in response to a close track/session command, where a track or a session of the write once recording medium is not closed in response to a close track/session command, as recited in independent claims 1 and 3.

Yoshida is directed to an optical recording apparatus and a method for displaying residual space on optical recording medium. Paragraph [0082] describes that:

In step S3, the process reads provisional TOC information from the PMA and determines the address of an unclosed session. In step S4, the process stores the address of the unclosed session as an internal variable B in the SRAM which is used as a work area for the CPU 3. When the processing in steps S1 to S4 has been performed, the preparation process is terminated.

Paragraph [0082] is not related to issuing a close command.

Paragraph [0064] describes that:

the start position for writing data and the recorded position for reading data are detected by referring to a provisional TOC written in a program memory area (PMA) of the recording medium. A CD-ROM reading apparatus, i.e., a CD-ROM drive, cannot read the provisional TOC written in the PMA, and hence it is impossible for the CD-ROM drive to read a write-once recording medium having an unclosed session. In order to enable the CD-ROM drive to read a write-once recording medium, it is necessary to perform session closing. (Emphasis added)

Further, paragraph [0012] specifically recites:

Concerning a recording medium in which session closing is performed, there are a portion which is readable by a CD-ROM drive in which one or more sessions are closed and an unreadable portion in which a session is not closed. When the residual space of the recording medium is displayed, no distinction is made between the readable portion and the unreadable portion. (Emphasis added)

That is, Yoshida discloses to close a session that includes readable information.

It is respectfully submitted that Inoue, Hitotsui, Yoshida, and combinations thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 3 which, amongst other patentable elements, recites (illustrative emphasis provided):

recorder for recording information on a write once recording medium ... wherein in response to the update command, only update of the recorded area indicator is performed and a track or a session of the write once recording medium is not closed, the track or the session remaining open for future recordings in the track or the session, wherein the update command is a close track/session command.

In response to a close track/session command, only updating of the recorded area indicator, where a track or a session of the write once recording medium is not closed, and the track or the session remains open for future recordings in the track or the session of a write once recording medium, is nowhere Inoue,


Hitotsui and Yoshida, alone or in combination. Suzuki is cited to allegedly show other features and does not remedy the deficiencies in Inoue, Hitotsui and Yoshida.

Accordingly, it is respectfully requested that independent claims 1 and 3 be allowed. In addition, it is respectfully submitted that claims 6 and 8-10 should also be allowed at least based on their dependence from independent claims 1 and 3 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
February 27, 2010

**THORNE & HALAJIAN, LLP**

Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101

**Please direct all inquiries and correspondence to:**

Michael E. Belk, Reg. 33,357  
Philips Intellectual Property & Standards  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
(914) 333-9643